625

```
 1        STATE OF TEXAS          *

 2        COUNTY OF HARRIS        *

 3

 4              I, the undersigned certified shorthand reporter

 5        and notary public in and for the State of Texas, certify

 6        that the facts stated in the foregoing pages are true

 7        and correct.

 8

 9              I further certify that I am neither attorney or

10        counsel for, nor related to or employed by, any of the

11        parties to the action in which this matter is taken and,

12        further, that I am not a relative or employee of any

13        counsel employed by the parties hereto, or financially

14        interested in the action.

15

16              SUBSCRIBED AND SWORN TO under my hand and seal of

17        office on this the 16th day of April, 2012.

18

19

20              EDITH A. BOGGS, CSR

                Certified Shorthand Reporter and

21              Notary Public in and for

                the State of Texas

22

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** REVISION **

HOUSE OF REPRESENTATIVES
NOTICE OF PUBLIC HEARING

COMMITTEE: Elections

TIME & DATE: upon final adjourn./recess
                  Tuesday, April 07, 2009

PLACE: JHR 120

CHAIR: Rep. Todd Smith

SB 362   Fraser | et al.
Relating to requiring a voter to present proof of
identification.

HB 125   Brown, Betty | et al.
Relating to requiring a voter to present proof of
identification.

HB 2335   Heflin
Relating to fees charged for issuance by a state or local
governmental entity of identification that may be presented to
be accepted to vote.

HB 3556   Bonnen
Relating to requiring a voter to present proof of
identification.

HB 2513   Hopson
Relating to the procedures for registering to vote and
accepting a voter at a polling place; providing a criminal
penalty.

HB 4421   Dunnam
Relating to the form of, and information contained on, a voter
registration certificate.

HB 4418   Dunnam
Relating to voter integrity measures and punishment for related

offenses.

Notice of this meeting was announced from the house floor.

The House Committee on Elections
81st Legislature
April 7, 2009
upon final adjourn./recess
JHR 120

CORRECTED MINUTES

On May 7, 2009, the House Committee on Elections authorized the correction of the minutes for the meeting of the House Committee on Elections held on April 7, 2009. The following are the corrected minutes for that meeting:

Pursuant to a notice posted on April 1, 2009, and a suspension of the 5-day posting rule and all necessary rules from the House floor on April 6, 2009 to add HB 2513, HB 4421, and HB 4418, the House Committee on Elections met in a public hearing and was called to order by the chair, Representative Smith, Todd, at 2:14 p.m.

The roll was answered as follows:

Present: Representatives Smith, Todd; Pena; Anchia; Bonnen; Brown, Betty; Heflin (6).

Absent: Representatives Allen; Bohac; Harper-Brown (3).

A quorum was present.

(Representative Pena in chair.)

(Representative Bohac now present.)

SB 362

The chair laid out SB 362.

The chair recognized Representative Smith, Todd to explain the measure.

(Representative Smith, Todd back in chair.)

Testimony taken/registration recorded. (See attached witness list.)

(Representative Pena in chair.)

(Representative Smith, Todd back in chair.)

(Representative Allen now present.)

(Representative Harper-Brown now present.)

The chair closed on the measure.

The bill was left pending without objection.

HB4418, HB4421

The chair laid out HB4418, HB4421.

The chair recognized Representative Dunnam to explain the measures.

The chair recognized Representative Dunnam to close on the measures.

The bills were left pending without objection.

HB 2513

The chair laid out HB 2513.

The chair recognized Representative Hopson to explain the measure.

The chair recognized Representative Hopson to close on the measure.

The bill was left pending without objection.

SB 362

The chair laid out SB 362 as pending business.

Testimony taken/registration recorded. (See attached witness list.)

(Representative Bohac in chair.)

(Representative Smith, Todd back in chair.)

(Representative Pena in chair.)

(Representative Smith, Todd back in chair.)

The chair closed on the measure.

The bill was left pending without objection.

HB125, HB2335, HB2513, HB3556, HB4418, HB4421

The chair laid out HB125, HB2335, HB3556, and laid out HB2513, HB4418, HB4421 as pending business.

The chair recognized Representative Bonnen to explain HB 3556.

The chair recognized Representative Brown, Betty to explain HB 125.

Representative Bonnen offered a complete committee substitute to HB 125.

The chair recognized Representative Anchia to explain HB 2335.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Brown, Betty to close on HB 125.

The committee substitute to HB 125 was withdrawn without objection.

HB 125 was left pending without objection.

The chair recognized Representative Anchia to close on HB 2335.

HB 2335 was left pending without objection.

The chair recognized Representative Bonnen to close on HB 2513.

HB 2513 was left pending without objection.

The chair recognized Representative Bonnen to close on HB 3556.

HB 3556 was left pending without objection.

The chair recognized Representative Anchia to close on HB 4418.

HB 4418 was left pending without objection.

The chair recognized Representative Anchia to close on HB 4421.

HB 4421 was left pending without objection.

At 2:15 a.m. on April 8, 2009 on the motion of the chair and without objection, the meeting was adjourned subject to the call of the chair.

_____
Rep. Smith, Todd, Chair

_____
Steven Schar, Clerk

1

TEXAS HOUSE OF REPRESENTATIVES

COMMITTEE ON ELECTIONS

APRIL 7, 2009

VOLUME I OF III

Transcribed by Rhonda Howard, CSR
April 13, 2012

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1   CHAIRMAN SMITH: The House Committee

2   on Elections is now called to order. Will the Clerk

3   please call the role.

4   THE CLERK: Smith.

5   MR. SMITH: Here.

6   THE CLERK: Pena.

7   VICE CHAIR PENA: Here.

8   THE CLERK: Bohac. Bonnen.

9   REPRESENTATIVE BONNEN: Here.

10   THE CLERK: Brown.

11   REPRESENTATIVE BROWN: Here.

12   THE CLERK: Harper-Brown. Heflin.

13   REPRESENTATIVE HEFLIN: Here.

14   Present.

15   CHAIRMAN SMITH: All right. There

16   being a quorum present, welcome, those of you who

17   have traveled to Austin from, I presume, a variety

18   of locations around our state to testify on the

19   legislation that's been set for hearing today. I

20   don't -- I don't know -- there was a few of you that

21   I recognized in the audience of having spent a lot

22   of time with you yesterday. The Committee heard

23   from a number of expert witnesses on both sides of

24   the issue that is before us tonight from early

25   yesterday afternoon until 1:30 in the morning and

4

1   then got up early this morning to lay out bills and

2   various committees. So if any of the members of the

3   panel look tired before we get started, that's the

4   reason for that.

5   We -- we are here today to hear from

6   anybody who wishes to testify on this issue.

7   Obviously, because we have an overflow crowd of

8   members of the public who wish to testify, there's

9   going to be -- have to be some kind of reasonable

10   limitation on the amount of time that -- that the

11   witnesses spend on each of the given bills.

12   We have six bills by six different House

13   Members that are -- that are related in some manner

14   to this subject that are before us this -- this

15   evening as a matter of new business. Then we have

16   one piece of pending business, which is the Senate

17   bill that has already been voted out of the Senate

18   and is now before us in the House. It's the only

19   Senate bill on the agenda. The rest of them are

20   House bills. Given the fact that that is likely to

21   be the vehicle that will be used in moving this

22   legislation, we're going to lay that piece of

23   legislation before the Committee first.

24   And just for those of you who do not

25   understand, your testimony on any of the bills that

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5

1   are before the Committee or on this subject in

2   general can be helpful and instrumental in giving us

3   ideas and information that will help us draft

4   whatever language we as a Committee decide to -- to

5   place into the Senate bill. In order to vote the

6   Senate bill out of Committee, it's not necessary for

7   us to -- to use the exact language that came out of

8   the Senate. We are free to substitute in our own

9   policy preferences to that -- to that Senate bill

10   and then move it through the House.

11   It's the Chair's intention that we have

12   a -- please notice here, the Clerk's desk we have a

13   timing device. And what -- what kind of a warning

14   do we give them, Travis? We're going to allow 30 --

15   three minutes of testimony per witness, and there's

16   going to be a yellow light at 30 seconds. After

17   that point in time, after each witness has had the

18   opportunity to say whatever is on their mind

19   uninterrupted for a period of three minutes, then

20   the panel will at that point in time have the

21   opportunity to ask questions.

22   We're going to go as long as it takes to

23   hear from everybody to the extent that they wish for

24   us to hear from them. I -- I would say that to the

25   extent that there are any part of you that are

6

1   like-minded folks and came from a particular part of

2   the State and there's one person that speaks for

3   that group and -- as a matter of efficiency, it

4   would be just as well for you if one person spoke

5   for five or ten people. Again, I'm not telling you

6   to do that, but if there's anybody who would wish to

7   do that, I certainly will allow you to say, "I'm

8   hear speaking on behalf of this group," and allow

9   the group that you're speaking on behalf of to stand

10   behind you as you begin to make your presentation.

11   In order to comply with the rules of the

12   House, it's going to be important whenever you

13   testify for you to state your name and who you

14   represent on the record and to direct your testimony

15   to the bill before the Committee at the time that

16   you're testifying. So, you know, when -- we're

17   going to take up Senate Bill 362 first, again, which

18   is the vehicle that is likely to be moved to vote

19   whatever language we agree to in Committee out of

20   Committee. At that point in time please limit your

21   testimony to Senate Bill 362.

22   After we finish hearing testimony on that,

23   we will go to the new business and hear those bills,

24   as well, in -- in -- in -- in -- early together as a

25   group or individually bill by bill by bill depending

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 1        on what time it is and -- and circumstances that we
 2        find ourselves in at that point in time.
 3                  All right.  I think that's a general
 4        description of how we're going to proceed.
 5                  Do we have some witnesses that are going
 6        to be first?  Do you understand who that is?
 7                       REPRESENTATIVE ANCHIA:  Mr. Chair --
 8                       CHAIRMAN SMITH:  Representative
 9        Anchia.
10                       REPRESENTATIVE ANCHIA:  -- there will
11        be Representatives that need to leave because
12        they're laying out bills.
13                       CHAIRMAN SMITH:  Sure.  This is not,
14        unfortunately, the only thing that the members of
15        the Committee have going on.  There are committees
16        meeting all over the Capitol as we speak, throughout
17        the evening, throughout the afternoon.  The members
18        of the Committee -- in fact, some of them do as we
19        speak -- they're in other committees laying out
20        other bills in front of other committees.  And so we
21        will have members that will be bouncing from other
22        obligations to this hearing as is necessary
23        throughout the afternoon and evening.
24                  Representative Dunnam, Chairman Dunnam.
25                       UNIDENTIFIED REPRESENTATIVE:  Yeah.
```

8

1   Chairman Smith, I'm not a member of the Committee,

2   but I wanted to know if you would entertain one

3   procedural question based on something you just

4   said.

5   CHAIRMAN SMITH: Okay.

6   REPRESENTATIVE DUNNAM: You just said

7   the Senate Bill 362 would be used as the vehicle for

8   whatever came out of this Committee. And I'm not --

9   I'm not sure, but is the Chair aware that if you

10   limit that to the vehicle, then you are prohibiting

11   any amendment or alteration in 362 that is not

12   germane to 362? Therefore, the House is going to be

13   constrained by the Senate's approach, and we will

14   not be able to offer alternatives that go beyond

15   the -- the approaches that the Senate made.

16   If that's -- if the decision has already

17   been made that that is going to be the vehicle, then

18   I just want to know, because then -- because my

19   suggestions may not be germane under our procedural

20   rules in the House. And I just want to know if that

21   decision's already been made.

22   CHAIRMAN SMITH: To -- to -- I

23   believe that what I said is that that decision is

24   likely to be the vehicle for any issues. I

25   didn't -- I didn't say this, but what I intended to

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9

1   imply to the extent that it is germane and certainly

2   to the extent that we are hearing non-germane

3   additional pieces of legislation, then to the extent

4   that the Committee wishes to, we would have the

5   ability to vote those bills out separately. But to

6   the extent that it is germane, I think it is the

7   intent of the Chair to -- to rely on the Senate bill

8   as a vehicle for -- for legislation that is germane

9   to the Senate bill.

10   UNIDENTIFIED REPRESENTATIVE: If the

11   House -- the House Committee -- if your Committee

12   does come up with an alternative, a comprehensive

13   alternative regarding the issue of voter

14   impersonation that is not germane, is -- is the

15   House going to be able to vote on --

16   CHAIRMAN SMITH: If we do that then I

17   will have changed my intent. I'm simply expressing

18   my presumption at this point.

19   UNIDENTIFIED REPRESENTATIVE: That --

20   and that's all I was asking.

21   CHAIRMAN SMITH: Okay.

22   UNIDENTIFIED REPRESENTATIVE: Thank

23   you.

24   CHAIRMAN SMITH: Thank you.

25   Chair at this time will pass the gavel to

10

```
 1      Vice Chairman Pena.

 2                  VICE CHAIR PENA:  (Inaudible).

 3                  CHAIRMAN SMITH:  Yeah.

 4                  VICE CHAIR PENA:  The Chair

 5      recognizes Representative Bohac as being present.

 6             The Chair now lays House -- SB-362 by

 7      Fraser as pending business and calls on

 8      Representative Smith to explain the bill.

 9                  REPRESENTATIVE SMITH:  Members of the

10      Committee, you have already had the opportunity to

11      listen to a fairly exhaustive description of what is

12      in the Senate bill.  For purposes of the audience

13      and in order to do this in as summary a manner as

14      possible, the Senate bill provides for a number of

15      mechanisms by which the public is to be notified of

16      the changes that would -- would, under that Senate

17      bill, occur in our election law.  And in its

18      simplest form, the Senate bill alters current law,

19      which requires that any voter in this state provide

20      some sort of identifier on a designated list of

21      photo identifications or on a designated list of

22      non-photo identifications.  That's current law.

23             What the Senate law does in general is

24      change current law so that instead of requiring

25      either one form of photographic identification or
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11

1   one form of non-photographic identification, again

2   on these designated lists, allows a voter to cast a

3   vote with either one form of photo identification or

4   two forms of non-photo identification on the

5   non-photo I.D. list.

6   There are other technical aspects to

7   testimony. For example, requiring that the

8   Department of Public Safety provide a free

9   identification card for members of the public who

10   indicate that their sole purpose for obtaining that

11   card is to use it for purposes of voting in

12   elections in our state. That's a -- that's a very

13   general explanation of my understanding of what is

14   in Senate Bill 362.

15   VICE CHAIR PENA: Let's open it up

16   for questions. Members, do we have any questions?

17   All right.

18   UNIDENTIFIED REPRESENTATIVE:

19   Mr. Chairman?

20   VICE CHAIR PENA: Yes.

21   CHAIRMAN SMITH: We have a number of

22   witness affirmation forms. Again, I'll help you

23   with the rules. As you present yourself -- and the

24   first person we wish to hear from today is Randall

25   Buck Wood, who is a lawyer who is here today to

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12

1   testify -- yes.

2   VICE CHAIR PENA: (Inaudible).

3   REPRESENTATIVE BROWN: I just had one

4   question before you proceed.

5   CHAIRMAN SMITH: Oh, I'm sorry.

6   Yeah.

7   REPRESENTATIVE BROWN: I think it's

8   real important that we address what happens when

9   someone fails to present the needed documents at the

10   time they -- they come to -- to vote. And so I

11   would like to hear you, then, explain in -- in the

12   Senate bill what happens at that point if they don't

13   have those needed documents. Do they vote the

14   provisional ballot and then have so many days to

15   come back and prove up what...

16   CHAIRMAN SMITH: Yeah. I -- I -- I

17   don't recall there being a specific provision. And

18   so my -- my -- my -- I believe I'm correct in saying

19   that provisional ballots would be handled pursuant

20   to current law.

21   REPRESENTATIVE BROWN: Okay. So

22   there's -- okay. But they would -- they would vote

23   a provisional ballot at that point?

24   CHAIRMAN SMITH: Yes.

25   REPRESENTATIVE BROWN: Okay.

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13

1   CHAIRMAN SMITH: Just as a voter

2   would now if they are not on the voter registration

3   rolls. That's my understanding.

4   REPRESENTATIVE BROWN: Thank you.

5   CHAIRMAN SMITH: Okay. At this time

6   the Chair calls Randall Buck Wood, who is an

7   attorney representing himself and who's here today

8   to testify against Senate Bill 362. Welcome.

9   RANDALL BUCK WOOD: Thank you,

10   Mr. Chair, Members of the Committee.

11   CHAIRMAN SMITH: Your name and who --

12   RANDALL BUCK WOOD: My name is

13   Randall Buck Wood. Buck is really my middle name.

14   Nobody wants to believe that --

15   CHAIRMAN SMITH: Right.

16   RANDALL BUCK WOOD: -- but I was born

17   in Athens, by the way.

18   Members, I know I've got a very short

19   period of time here. I believe -- I listened to a

20   lot of the testimony yesterday on this issue.

21   I was director of the Elections Division

22   in the Secretary of State's office starting in 1969

23   under (inaudible), Jr. and then later Bob Bullock.

24   I have been doing elections work contests,

25   investigations, practicing in the area of elections

14

1   ever since.

2   I will say that the overriding goal of

3   this Committee and this Legislature should be to do

4   one thing, make certain that every qualified voter

5   who is actually qualified get to vote and that vote

6   gets counted. That should be your goal.

7   I believe that this can be accomplished

8   within the framework of Senate Bill 362. And here's

9   the issue: One, although this bill does require

10   certain identification, it -- it -- it does allow

11   you to vote a provisional ballot, but it needs to do

12   more than that.

13   One of the things that we're all operating

14   with, I can tell you that in all of the 35-plus

15   years that I've been doing this I've never found

16   anybody impersonating. And I do election contests

17   and we investigate these. We investigate them

18   diligently. I've never found a person

19   impersonate -- impersonating another voter.

20   I do know that it probably happens here

21   and there. I have never found a non-citizen -- and

22   I bet I've done 25 election contests all across the

23   State where we looked for citizenship. I have never

24   found a single citizen or a non-citizen voting in an

25   election.

15

1   I'm sure -- I know that a few years ago we

2   had election contests here in the House, and they

3   claimed they were going to have 200-something

4   illegal citizens. And it turned out they had one.

5   What we need to do is very simply this:

6   Don't educate the voter not to come to the voting

7   place. Educate the voter to come to the polling

8   place, because the voter is going to get the vote.

9   And ensure that that vote is counted if the proper

10   identification information is presented to the

11   proper officials within the time period.

12   It will do two things. There's this

13   argument that there is a problem, and no one knows.

14   The fact of the matter is if we do this bill

15   properly we will then know within a few elections if

16   we have a problem. And if we have, we will have

17   stopped it. And if we don't have a problem, we

18   don't need to go through all this anymore. The

19   simple way to do that is allow each individual who

20   doesn't have proper identification to vote not just

21   a provisional ballot but a special provisional

22   ballot that will be marked for identification

23   purposes so that you will be able to pull those out

24   of people who didn't have identification. Give that

25   information to the candidates, the officials and

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16

1   have the registrars or the elected officials that

2   are going to be running the election make a

3   reasonable attempt to contact that individual and

4   find out if they are citizens. And I can tell you

5   that this can be done and it will be done. There

6   will be enough candidates and other individuals that

7   contact these people and try and determine if they

8   are actually citizens. And then we must mandate

9   that that vote gets counted, because right now even

10   though it's supposed to be true, provisional ballots

11   in many cases are not ever being counted even where

12   they're -- they're legitimate votes.

13   CHAIRMAN SMITH: Okay. Mr. Wood,

14   thank you. I'm sorry. I'm going to try to stick

15   somewhat with this. But I do want to give the

16   Members of the Committee an opportunity to ask you

17   questions. Representative Anchia.

18   REPRESENTATIVE ANCHIA: Yes, sir.

19   Mr. Wood, you talked a little bit about non-citizen

20   voting. But I want to make sure we have our -- our

21   terms and our definitions straight.

22   Voter I.D. is designed to deal with voter

23   impersonation at the polls. Non-citizen voting

24   would not be prevented by voter I.D.

25   To the extent it happens, typically what

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17

1   we've found in our -- in our study of this during

2   the 2005 session, 2006 session, 2007 session --

3   okay. Excuse me, 2006 interim, 2008 interim, is

4   that if there are legal permanent residents -- if

5   there are non-citizens voting, it's legal permanent

6   residents. And I think we found maybe two or

7   three --

8   RANDALL BUCK WOOD: Yeah.

9   REPRESENTATIVE ANCHIA: -- of these

10   cases. And this Senate bill would not stop a legal

11   permanent resident from voting, because most, if not

12   all, legal permanent residents have driver's

13   licenses or some state I.D.

14   RANDALL BUCK WOOD: Yeah.

15   REPRESENTATIVE ANCHIA: I just want

16   to make sure we have our -- our terms correctly --

17   defined correctly.

18   Can we talk really, really quickly about

19   voter fraud in Texas? Have you -- have you --

20   you've done election contests, many of them. Have

21   you found voter fraud in Texas?

22   RANDALL BUCK WOOD: Yes.

23   REPRESENTATIVE ANCHIA: What type and

24   Were?

25   RANDALL BUCK WOOD: It's almost

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18

1   totally restricted -- when I say voter fraud what I

2   mean is someone who is intentionally going in and

3   trying to rig the system.

4   REPRESENTATIVE ANCHIA: Uh-huh.

5   RANDALL BUCK WOOD: Okay? I -- that

6   does exist in Texas. And, in fact, it exists in all

7   areas of the State, and it is serious.

8   Now, it has -- in order to be serious,

9   it's got to affect outcomes of the elections. It's

10   got to be done in such numbers, you know.

11   Almost all the voter fraud in Texas is

12   done through early voting by mail. We've -- I've

13   worked with Senators and House Members through the

14   years to try to figure out how to do something about

15   it, and we've never been able to come up with a way

16   to do anything about it. And this bill doesn't do

17   anything about it.

18   REPRESENTATIVE ANCHIA: I was going

19   to say, does the Senate bill do anything about it?

20   RANDALL BUCK WOOD: No, it does not.

21   REPRESENTATIVE ANCHIA: Mail-in

22   ballots.

23   RANDALL BUCK WOOD: No, it does

24   nothing, and that's where the voter fraud is.

25   We have another type of voter fraud that's

19

1   considered fraud. But it's -- it's people voting

2   where they -- when they shouldn't be voting there.

3   And that's where people -- they grew up, you

4   know, somewhere and mama still lives there, they

5   move away and they keep voting at home. And after a

6   while, the Court says you can't do that. I find

7   quite a bit of people who are not residents of that

8   voting precinct or even that county still voting in

9   that county. And this Senate bill won't do anything

10   about that, either, because they vote by mail; most

11   of them vote by mail.

12   REPRESENTATIVE ANCHIA: Absentee

13   ballots?

14   RANDALL BUCK WOOD: Absentee ballots.

15   Now, some of them do turn up on election day.

16   They'll actually go back home. They'll go from San

17   Antonio to Laredo or from Houston to Polk County or

18   wherever.

19   We do have another type of -- when I said

20   non-citizen voting, I mean, this -- this was all by

21   mail, too. And that is you have people who belong

22   to -- or not belong to; they actually buy a service

23   from an organization in Texas. And then that --

24   they get registered in Texas. And even though most

25   of them have never been in -- a lot of them have

20

1   never been in Texas and most of them have spent very

2   little time here, but they vote here and they vote

3   here by the thousands. They do that in order to --

4   REPRESENTATIVE ANCHIA: Is that

5   organization called ACORN or something like that?

6   RANDALL BUCK WOOD: No. It's called

7   Escapees.

8   REPRESENTATIVE ANCHIA: Escapees.

9   Explain what Escapees is.

10   RANDALL BUCK WOOD: Escapee [sic] is

11   a business. It is a business that services people

12   who travel and have RVs. And they have a

13   campground, very small one, in Polk County. And the

14   Escapees control Polk County. There's about 15,000

15   of them that -- that register to vote in Polk

16   County. That -- that elects all kind -- they elect

17   all the county-wide officials, the County

18   Commissioner, the Sheriff, everybody, school board,

19   even though none have kids in school. But this bill

20   won't do anything about that, because almost all of

21   them vote by mail.

22   REPRESENTATIVE ANCHIA: I want to

23   make sure I understand that situation.

24   These are people many of whom do not live

25   in Texas. You said it's an RV club or --

21

1   RANDALL BUCK WOOD: It's a -- it's an

2   RV club.

3   REPRESENTATIVE ANCHIA: It's an RV

4   club. These people don't live in Texas?

5   RANDALL BUCK WOOD: No, they don't

6   live here.

7   REPRESENTATIVE ANCHIA: 15,000 of

8   them vote how, by mail?

9   RANDALL BUCK WOOD: By mail.

10   REPRESENTATIVE ANCHIA: And how big

11   is the RV park? I mean, do they --

12   RANDALL BUCK WOOD: Hold -- hold

13   about 300 vehicles.

14   REPRESENTATIVE ANCHIA: So 300

15   vehicles and 15,000 people are voting there.

16   RANDALL BUCK WOOD: And if -- and

17   if -- the main reason they want to do it, first of

18   all, it -- the Escapees' business does provide a

19   good service to these people.

20   REPRESENTATIVE ANCHIA: Uh-huh.

21   RANDALL BUCK WOOD: But the main

22   reason they do, if you register your car in Polk

23   County and you get a voter registration card in Polk

24   County, you tell California you're no longer paying

25   their income tax. And that's why most of them do

22

1   it.

2   REPRESENTATIVE ANCHIA: It is a

3   tax -- it's a tax deal?

4   UNIDENTIFIED REPRESENTATIVE: Yes,

5   it's a tax avoidance.

6   RANDALL BUCK WOOD: It's a tax

7   avoidance issue. But they vote and they vote in

8   large numbers. And there's been some bills about

9   this in the past --

10   CHAIRMAN SMITH: Yes. We've had some

11   legislation about this in the past. I can't

12   remember it off the top of my head. It was a hot

13   issue three or four sessions ago.

14   RANDALL BUCK WOOD: It was. And by

15   the way, the Legislature even made it easier for

16   them to vote and more difficult for them to be

17   challenged in -- for -- about three or four sessions

18   ago, because I file election contests down there.

19   And they took depositions all over the country, and

20   everybody had a place to live. They lived in

21   Arizona or they lived -- or they had a permanent RV

22   spot. But they're members of the Escapees and they

23   vote. They control Polk County bond elections, you

24   name it.

25   Now, that -- that's one that's -- these

23

1   people are good people. They're not -- they're not

2   crooks, but they don't live in Texas and they're not

3   citizens of Texas. And if it was done -- most of

4   them -- in Blanco County, the Attorney General would

5   be out there in nothing flat and say, "You can't do

6   that," but that hasn't happened.

7   UNIDENTIFIED REPRESENTATIVE:

8   Mr. Wood, I want to ask a question. You -- you said

9   that you and some friends had spent a lot of time

10   looking at the issue of how you could get at the

11   no -- at the problem of absentee ballot fraud.

12   What's the block there? What's the -- help me with

13   the dilemma of why you're having trouble find a

14   solution to that problem.

15   RANDALL BUCK WOOD: I worked with

16   Senator Zacharany (phonetic), and I can't remember

17   how many members of the House over a period of

18   sessions trying to figure out how to preserve the no

19   excuse -- no excuse mail absentee voting especially

20   over the age of 65. That's where -- that's where it

21   applies. You can also -- you could go below 65 if

22   you're disabled. And we've never been able to

23   figure out a way to whip that problem and at the

24   same time allow those people who are really entitled

25   to vote that way and should be able to vote that way

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24

1   to vote. We've never been able to do it. There's

2   just not -- we used to -- we didn't -- we used to

3   have an excuse. You had to have an excuse. Not --

4   just being 65 didn't get it. You had to have a note

5   from a doctor or somebody that said that you were

6   not able to attend the polling place.

7   We got rid of that and there's organized

8   fraud in that -- in that area. I have tried

9   election contests where we found thousands of them

10   that had never -- the people never even voted their

11   ballots.

12   UNIDENTIFIED REPRESENTATIVE: People

13   what?

14   RANDALL BUCK WOOD: People didn't

15   vote their ballots. Ballots were taken away from

16   them, they were taken away from their mailboxes, all

17   sorts of things that you would have a hard time

18   believing. We proved it up, through the election

19   out in -- and it happened to -- occurred in Webb

20   County. I've seen it -- I've seen it in east Texas,

21   I've seen it in San Antonio, I've seen it in Dallas.

22   They go to nursing homes, and these people are not

23   in a position of registering to vote. And then

24   they'll go by and vote them, and that -- that

25   happens. And there's nothing in Senate Bill 362

25

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 1     that's going to help that.
 2                    UNIDENTIFIED REPRESENTATIVE:  Did --
 3     did -- is there anything in the Woolens (phonetic))
 4     litigation that was passed in -- early in this
 5     decade that helped any in that regard?
 6                    RANDALL BUCK WOOD:  He tried to.
 7                    UNIDENTIFIED REPRESENTATIVE:  Yeah.
 8                    RANDALL BUCK WOOD:  He tried to -- he
 9     tried to restrict the number of people that you
10     could assist in -- because in -- this is organized.
11                    UNIDENTIFIED REPRESENTATIVE:  Uh-huh.
12                    RANDALL BUCK WOOD:  But he tried to.
13     It has had some impact.  But I just try election
14     contests not too long -- I guess it was the spring,
15     and it -- it's still there.
16                    UNIDENTIFIED REPRESENTATIVE:  Okay.
17     Representative Heflin?
18                    REPRESENTATIVE HEFLIN:  Now,
19     Mr. Wood --
20                    RANDALL BUCK WOOD:  Yes.
21                    REPRESENTATIVE HEFLIN:  -- back to
22     provisional ballot thing --
23                    RANDALL BUCK WOOD:  Yes.
24                    REPRESENTATIVE HEFLIN:  -- now you're
25     saying they would have the (inaudible) to cure the
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1   deficiency that they didn't have the registration

2   card or identification. Is that right?

3   RANDALL BUCK WOOD: Identification,

4   yes.

5   REPRESENTATIVE HEFLIN: And let me

6   preface this by saying, last night we heard

7   testimony in Florida they gave them two days to

8   cure; they were curing about a third of the special

9   provision ballots for lack of I.D. and -- whereas in

10   Georgia and Indiana, where they gave them five days

11   to seven days, they were cured up to two-thirds.

12   So how many days would be an ideal time to

13   give a voter the opportunity to cure their

14   deficiencies in their --

15   RANDALL BUCK WOOD: Okay. You need

16   enough time. Two days is just -- that's ridiculous.

17   I mean, you're not going to get anybody cured in

18   that period of time. You're just going to throw

19   away a lot of people's -- actually, what you're

20   doing by not having a sufficient time to cure,

21   you're pitching out ballots of people who are truly

22   qualified to vote. They should have been allowed to

23   vote, and their vote should have counted. And I

24   can't think of anything more important in our

25   democracy than to make sure that those votes get

27

1   counted.

2   There's a present provision on provisional

3   ballots. Unfortunately, it's not very strong

4   about -- and I can tell you in many major counties

5   they never count any provisional ballots. Even if

6   they come in and verify, they don't count them.

7   You need -- I think you need at least

8   seven days.

9   Now, what I also think you need to do is

10   have involvement, not just of -- by the voter.

11   Somebody needs to contact that voter and make sure

12   the registrar has this information. You can contact

13   that voter. Other people, third parties, can

14   contact that voter and see if they are actually

15   qualified to vote; supply -- help supply the

16   additional information that needs to be to get their

17   ballots counted.

18   I -- I -- I will tell you that I look for

19   these kind of situations in every election contest.

20   I've never found one yet.

21   REPRESENTATIVE HEFLIN: So -- so for

22   instance, then, if you had it marked as a special

23   provisional ballot and that person had the

24   opportunity to cure, now you say others should be

25   able to help them? Like, are you saying political

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 1   parties or whatever --

 2   RANDALL BUCK WOOD: Yes.

 3   REPRESENTATIVE HEFLIN: -- AARP,

 4   whatever group --

 5   RANDALL BUCK WOOD: Yeah. League of

 6   Women Voters.

 7   REPRESENTATIVE HEFLIN: -- anybody?

 8   Okay.

 9   RANDALL BUCK WOOD: Many of these

10   people who come into the polling place, they are

11   qualified voters. They're not going to have this

12   identification. I mean, that's what's going to

13   happen. You're going to see it. Those people --

14   there needs to be every effort made to make sure if

15   that -- if that person is qualified to vote that

16   their vote gets counted.

17   This issue, you know, Representative

18   Anchia, that you brought up about voter

19   impersonation, I've never -- I've never seen it. I

20   read about one person that the Attorney General

21   found. I've never seen it. I get told about it.

22   When you get into election contests, oh, you get the

23   supporters of whoever you're representing comes in

24   and says, oh, we've got these things going here,

25   these things going here. Most of it I investigate,

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1   and it doesn't pan out.

2   I have actually had some people tell me,

3   that, well, look at these all these signatures, they

4   look the same; something went down and impersonated

5   them and the election judge did this, that and the

6   other. I've never found one, and I've done hundreds

7   of these. Never ever found anybody impersonating

8   anybody.

9   REPRESENTATIVE HEFLIN: What about

10   this person comes back and shows proper I.D. or

11   whatever they have to do to cure their ballot, so is

12   that ballot changed to a regular ballot then?

13   RANDALL BUCK WOOD: It's done like a

14   provisional -- an ordinary provisional ballot

15   that -- see, most of the provisional ballots we get

16   now is because the voter registration roles are just

17   wrong. I mean, it's nothing -- it's going to

18   happen. I mean, it does happen. It happens in

19   every election, in fact, every precinct. It

20   gives -- that ballot then gets counted in --

21   REPRESENTATIVE HEFLIN: Like a

22   (inaudible).

23   RANDALL BUCK WOOD: -- and gets

24   included in the totals.

25   REPRESENTATIVE HEFLIN: Now, one

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1   thing that you said that I liked is we heard

2   testimony last night that the -- the three states I

3   mentioned don't have hard numbers on how many

4   ballots were denied or made provisional because of

5   voter I.D. or lack of identification.

6   So by marking as a special provisional

7   ballot for that purpose, then we could actually

8   track who's actually doing that.

9   RANDALL BUCK WOOD: You would be

10   able -- law enforcement -- I know there's been some

11   criticism of the A.G.'s office, because they've

12   spent a lot of money and they haven't had a lot of

13   results.

14   Local prosecutors -- it's true local

15   prosecutors don't do this, because they've got rapes

16   and murder and all this other stuff.

17   This would actually -- if you do it this

18   way, the local prosecutor as well as the Attorney

19   General will know who went to the polling place and

20   who wasn't entitled to vote. And we would find out

21   within a few elections if this is really a problem,

22   because we'll be able to identify those individuals.

23   We'll be able to contact them. We'll be able to see

24   if they were eligible to vote. And we for the

25   first -- we'd be the first state in the nation, the

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 1        first state in the nation, that can build a database

 2        and say, "Here's what the problem is or isn't."  And

 3        we would be able to do that, I suggest, within one

 4        primary and one general election.

 5                   If we need this, fine.  If we don't, then

 6        we don't need to be putting people through this.

 7                   The other thing I want to say is about

 8        education.  The language in the Senate bill is

 9        misleading.  And it -- it needs to be changed.  You

10        can frighten people away from the polls.  We know

11        this.  We had a sit -- situation in Dallas County

12        where back in the '80s the sheriff up there got kind

13        of interested and he thought there was a lot of

14        voter fraud going on.  So he made himself up a

15        placard and he put it in certain polling places.

16        And it -- everything on it was true.  It said,

17        "Voter fraud will be prosecuted by the D.A.'s

18        office, investigated by my office," and all this

19        stuff.  And he put it -- unfortunately for him, he

20        put it in the minority polling places.  That's the

21        only place he put it.  It had enormous impact.

22        People in that area went in and looked at that, and

23        they're not too sure -- people, many instances, not

24        absolutely sure they're in the right polling place.

25        They're not sure they didn't get -- maybe they
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1   didn't get their card this year. Well, they just

2   turned around and walked out. If you put it

3   outside, you'll scare them off. They'll never even

4   get in a polling place. You'll scare a major

5   percentage of people away from the polling place.

6   You want to tell those people the truth,

7   and that is they're going to be able to vote. Now,

8   the vote essentially may not count, but they're

9   going to be able to vote. We don't want to frighten

10   people from going to the polling places they're

11   qualified to vote.

12   REPRESENTATIVE HEFLIN: So you're

13   saying that the education process instead of a -- it

14   needs to be a process -- a voter enhancement process

15   where we encourage people if they have the right to

16   vote they should be voting, and that it will be

17   cured on the back end if they forgot their I.D. that

18   day?

19   RANDALL BUCK WOOD: You want to tell

20   them the truth. If you come to the polling place

21   and you're qualified to vote, you're going to get to

22   vote.

23   REPRESENTATIVE HEFLIN: (Inaudible).

24   RANDALL BUCK WOOD: Now, it may turn

25   out that they're not qualified. And I'm sure

33

1   there's some people out there. I don't find them,

2   but I'm sure there's some out there. There's got to

3   be some. And it's just like Representative Anchia

4   said, we found two or three in 50 years. And -- but

5   most of the people that are turning up at the

6   polling places, I've had -- I've had people tell me,

7   oh, they know this -- this mother and father, and

8   he's not a citizen. And sure enough, he's

9   registered. He got caught in a voter registration

10   drive, and he's 75 years old. But I go look, he

11   didn't vote. It just -- it just don't do that.

12   I'm not saying it doesn't happen, but it

13   happens so seldom that I've never caught it.

14   CHAIRMAN SMITH: Representative

15   Bonnen, Chairman Bonnen.

16   REPRESENTATIVE BONNEN: I'm kind of

17   curious. You said the Senate language was flawed

18   and that it would frighten people from voting, but

19   my understanding of the Senate language is it's

20   simply to explain and show them what identifications

21   would be acceptable.

22   And I guess the question I would ask you

23   is if we were to change or remove that language,

24   would you then not raise election questions about

25   any voter who's said, "Well, I wasn't aware of what

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1   I needed to go vote"?

2   RANDALL BUCK WOOD: As I understand

3   what I'm proposing, those persons are going to be

4   allowed to vote. It may be a provisional special

5   ballot, but they're going to be allowed to vote.

6   To tell them that they're not going to be

7   able -- what that language does, it tells them if

8   you don't have this identification, you're not going

9   to be allowed to vote.

10   REPRESENTATIVE BONNEN: I think it

11   explains to them the process.

12   RANDALL BUCK WOOD: The --

13   REPRESENTATIVE BONNEN: And all I'm

14   asking is would you then not raise a challenge or a

15   contest for the voter who says, "I didn't know it.

16   I showed up and I cast a provisional ballot or no

17   ballot, because I didn't know I had to have an

18   electric bill with my address to be able to vote",

19   that we don't give them that information?

20   RANDALL BUCK WOOD: That person is

21   going to be allowed to vote. You're not -- you need

22   to tell them, "You're going to be allowed to vote."

23   That's the first thing you need to tell them.

24   REPRESENTATIVE BONNEN: And I think

25   that's what the Senate language would allow for them

35

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 1        to be told.
 2                        RANDALL BUCK WOOD:  Well, the
 3        language that --
 4                        REPRESENTATIVE BONNEN:  I mean, I
 5        don't want --
 6                        RANDALL BUCK WOOD:  -- the language
 7        on the notice --
 8                        REPRESENTATIVE BONNEN:  Uh-huh.
 9                        RANDALL BUCK WOOD:  -- it doesn't say
10        anything like that.  It tells you basically, "If you
11        don't have this kind of information, you're not
12        going to be allowed to vote."  That's --
13                        REPRESENTATIVE BONNEN:  No, that's --
14        that -- no.  It makes it clear to them what you just
15        said, that they're going to be able to have a
16        provisional vote.
17                        RANDALL BUCK WOOD:  It does that, but
18        when you read it --
19                        REPRESENTATIVE BONNEN:  Whoa, whoa.
20        It does that.  Correct?
21                        RANDALL BUCK WOOD:  After it gets
22        done telling them about all this other information
23        that they have to have.
24                        REPRESENTATIVE BONNEN:  Well, all I'm
25        simply asking you is if that --
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1   RANDALL BUCK WOOD: No. I would not

2   be able to bring a lawsuit, because I -- I -- my

3   client would have been allowed to vote. So --

4   REPRESENTATIVE BONNEN: Well, your

5   client would be allowed to vote under the current

6   Senate language.

7   RANDALL BUCK WOOD: It would never

8   get counted and we would never know --

9   REPRESENTATIVE BONNEN: I think

10   you're talking in a circle. I mean, you just said

11   if the language were different they had be able to

12   provide a provisional ballot.

13   RANDALL BUCK WOOD: Special

14   provisional ballot.

15   REPRESENTATIVE BONNEN: Okay. Well,

16   the Senate language would be -- explain to them that

17   they would be allowed to provide a provisional

18   ballot. So it sounds like we're talking in a

19   circle.

20   RANDALL BUCK WOOD: The Senate

21   language, as I read it, the first impression that it

22   gives any voter is if I don't have this I'm not -- I

23   don't have this type of identification I'm not going

24   to be allowed to vote. You then get down to the end

25   of it --

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1   REPRESENTATIVE BONNEN: So the voter

2   would only read a small portion of the language is

3   your testimony?

4   RANDALL BUCK WOOD: I think that

5   language, if you -- if you set up a special

6   provisional ballot so these people would be able to

7   vote, you don't need that -- you don't need that

8   education.

9   REPRESENTATIVE BONNEN: So you're

10   saying -- okay. And I want to be clear about this.

11   So you're saying if we remove the language

12   which we do have provisional ballots, this bill

13   allows for provisional ballots, you wouldn't be

14   challenging anything because they weren't informed?

15   RANDALL BUCK WOOD: Right now, today,

16   if I go in -- forget Senate Bill 362.

17   REPRESENTATIVE BONNEN: But we are

18   talking about Senate Bill 362. That's the problem.

19   RANDALL BUCK WOOD: I understand.

20   But right now if I go in to vote I'm asked for my

21   driver's license, I'm asked for other information.

22   Sometimes I don't have my voter registration card,

23   but I'm allowed to vote. The only difference would

24   be that these people would vote a special

25   provisional ballot.

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1   REPRESENTATIVE BONNEN: Right.

2   RANDALL BUCK WOOD: So if -- if

3   you're going to allow them to vote, you don't want

4   to tell them that they --

5   REPRESENTATIVE BONNEN: We're going

6   to allow them to vote. And I just want to be

7   clear --

8   RANDALL BUCK WOOD: Your provisional

9   ballot --

10   REPRESENTATIVE BONNEN: -- language

11   is no problem for you in raising a contest?

12   RANDALL BUCK WOOD: No.

13   REPRESENTATIVE BONNEN: Okay. So you

14   wouldn't do that in those terms?

15   RANDALL BUCK WOOD: No. And --

16   REPRESENTATIVE BONNEN: Okay. Also,

17   (inaudible) said that by -- Representative Heflin

18   raised the question about the two-day, and we had

19   very good discussion yesterday about the two-day

20   return to correct a provisional in -- in seven day

21   [sic] or how we would do it. But you made the

22   comment that no one would ever be able to do that.

23   And we have no information on that. But the

24   gentleman from Georgia actually supplied us some

25   exceptionally good information. And it's as you

39

1   defined. I mean, if we did it a certain way we

2   would have it remedied in one primary, one general.

3   Well, Georgia has had 16 elections under the voter

4   I.D. process. And in the general election -- I'm

5   not going to get my percentage right, but it was

6   .0003 or something were the number of provisional

7   ballots due to I.D. or lack of I.D. And it was

8   about 1100 - I'm rounding my numbers - about 1100.

9   And they actually had, I believe, from 250 to 290 or

10   so who did return within two days to show that

11   information.

12   RANDALL BUCK WOOD: Right. I

13   understand that.

14   REPRESENTATIVE BONNEN: Well, but you

15   said that would never happen.

16   RANDALL BUCK WOOD: Two day -- well,

17   two days is such a short period of time you're going

18   to disenfranchise a significant number of people.

19   REPRESENTATIVE BONNEN: Well, a

20   significant number -- and we have fact basis in --

21   in actual variety in the State of Georgia and their

22   reaction and their response.

23   Also, in the State of Georgia, they had

24   one of the highest turnouts in the history of the

25   state and one of the highest turnouts in the nation

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1   under the voter -- with the voter I.D. law in place.

2   And so I guess, you know, my concern is

3   that I want to address the issues. I want to

4   address the problems. And I wish -- you remember

5   the vote number there, Duane? What was the vote

6   number in Georgia? 3.5 -- 3.9? 3.9 million voters?

7   Yeah.

8   RANDALL BUCK WOOD: I understand.

9   REPRESENTATIVE BONNEN: And so we had

10   1100, which only take -- one's too many. I want to

11   be clear about that. But the thing that I would

12   encourage us to do here today is let's talk

13   rationally, let's talk on the facts and on the

14   points. And let's not talk with flowing and -- and

15   broad language, because to say no one is going to do

16   that, it -- it -- it doesn't get to the --

17   RANDALL BUCK WOOD: I would --

18   REPRESENTATIVE BONNEN: -- get to the

19   issue.

20   RANDALL BUCK WOOD: -- I would

21   respectfully suggest to you if that were doing --

22   CHAIRMAN SMITH: I'm sorry, but I

23   want to interrupt at this point in time.

24   REPRESENTATIVE BONNEN: (Inaudible).

25   CHAIRMAN SMITH: -- I'm sorry,

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1   members of the audience, but it becomes --

2   REPRESENTATIVE BONNEN: Don't do

3   that.

4   CHAIRMAN SMITH: -- troublesome --

5   REPRESENTATIVE BONNEN: Yeah.

6   CHAIRMAN SMITH: -- if we're having

7   the reaction of the audience every time someone

8   makes a remark one way or the other.

9   REPRESENTATIVE BONNEN: Right.

10   CHAIRMAN SMITH: So if you would,

11   please, out of respect for the witnesses or the

12   Members --

13   REPRESENTATIVE BONNEN: Right.

14   CHAIRMAN SMITH: -- well, whether the

15   rule is --

16   RANDALL BUCK WOOD: (Inaudible).

17   CHAIRMAN SMITH: -- the rule is, --

18   and the Members agreed to this in advance, was that

19   we were going to allow the witness to make a

20   3-minute opening comment and then, of course, allow

21   the members of the legislature on this panel to ask

22   whatever questions they want of the witnesses.

23   Obviously did encourage the Members on the panel to

24   use their discretion. And I think what we're doing

25   is we're fleshing out some of these issues with some

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 1        of these earlier witnesses.  And everybody in the
 2        audience receives the benefit of these questions.
 3        And as we work our way through the testimony,
 4        obviously, I don't anticipate that we'll have as
 5        many questions as we do of some of the earlier
 6        witnesses.
 7                      REPRESENTATIVE BONNEN:  (Inaudible).
 8                      CHAIRMAN SMITH:  With that, please
 9        continue.
10                      RANDALL BUCK WOOD:  There's two --
11                      REPRESENTATIVE BONNEN:  He was saying
12        something.  I want to let him finish his comment.
13                      UNIDENTIFIED REPRESENTATIVE:  Yeah.
14                      RANDALL BUCK WOOD:  There's two
15        things I would like to comment about on these other
16        statistics on these other states.  One, if you
17        really worked on it -- and I'm not saying just the
18        government, but if the individuals -- I mentioned
19        The League of Women Voters.  If they really worked
20        at it, I think Georgia would find they have not
21        1100, but maybe they have 25.  If you cut it off --
22        if you cut it off, you're -- those -- some people
23        are just not going to go back and do that.
24              I'll make another point.
25                      REPRESENTATIVE BONNEN:  Wait a
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1   minute. Talk about that. I don't see how you get

2   to 2500 when we have the actual numbers.

3   RANDALL BUCK WOOD: No, no. I said

4   25, not 2500.

5   REPRESENTATIVE BONNEN: So you're

6   saying only 25 votes?

7   RANDALL BUCK WOOD: I'm saying -- I'm

8   saying I can't find these kind of people that this

9   voter identification is posed to -- I've never found

10   in all -- almost 40 years of practice --

11   REPRESENTATIVE BONNEN: Let me --

12   RANDALL BUCK WOOD: -- I'm not --

13   REPRESENTATIVE BONNEN: -- you're

14   (inaudible) the issue, though.

15   RANDALL BUCK WOOD: If you let these

16   people --

17   REPRESENTATIVE BONNEN: But you just

18   flipped the issue we were discussing. I wasn't

19   talking about the number of people who shouldn't

20   have voted or voted fraudulently. I was

21   discussing -- you earlier said no one would come

22   back, that all -- you know, numerous votes would be

23   tossed; you know, large numbers would be tossed. I

24   was referring to the fact basis of numbers on what

25   the percentages and what the numbers were in Georgia

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1   as to what does return and who is not being able to

2   vote due to an I.D. That's what I was referring to.

3   I wasn't referring to whether they were fraudulent

4   votes or not.

5   RANDALL BUCK WOOD: Okay. And I'm

6   saying that if you spend enough time --

7   UNIDENTIFIED REPRESENTATIVE:

8   (Inaudible).

9   RANDALL BUCK WOOD: -- we don't have

10   forever.

11   UNIDENTIFIED REPRESENTATIVE:

12   (Inaudible).

13   RANDALL BUCK WOOD: You -- I

14   believe -- because of my experience and on the

15   groundwork, I believe that you'll find that almost

16   none of those that were finally rejected really

17   should have been rejected.

18   REPRESENTATIVE BONNEN: You're

19   saying --

20   RANDALL BUCK WOOD: I don't think

21   there's really a problem, but I think we ought to

22   find out. Me saying it -- somebody says there is a

23   problem; I say there isn't a problem. It doesn't

24   get us anywhere. It doesn't get us anywhere.

25   Now, the other thing I want to mention

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1   because you -- you ballot it up, these statistical

2   comparisons --

3   REPRESENTATIVE BONNEN: I'm not

4   giving you comparisons. I'm just --

5   RANDALL BUCK WOOD: Okay. You

6   mentioned the fact that voter turnout actually was

7   higher than it was in the previous elections.

8   That -- considering --

9   REPRESENTATIVE BONNEN: Highest in

10   the country, quite frankly.

11   RANDALL BUCK WOOD: -- that that

12   is -- that is -- no statistician would ever rely on

13   anything like that, because elections -- every

14   election is different. You have different

15   candidates. I suggest to you that one election to

16   another cannot be compared. You don't know how many

17   people would have voted --

18   REPRESENTATIVE BONNEN: You didn't --

19   RANDALL BUCK WOOD: -- you don't know

20   that.

21   REPRESENTATIVE BONNEN: And that

22   comment was made by a gentleman yesterday, and I

23   think it was a great comment to make. And I asked

24   him, and I'll ask you. So, then, are we going to

25   agree that you then at the same -- if we accept that

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1   argument as to how you can't, as you just stated,

2   know how many would have voted had there not been

3   voter I.D. and that there is so many different

4   factors and you can't just look at just that

5   election and come up with that statistical

6   information, than just that, that there's so many

7   factors, that then you can't make the same argument

8   that is frequently made, the voter I.D. in turn has

9   suppressed or would suppress a vote? Because the

10   argument is -- the argument is there's numerous

11   factors.

12   So would you agree that we'll just --

13   we'll just concede that argument to each other?

14   RANDALL BUCK WOOD: Yes.

15   REPRESENTATIVE BONNEN: Fair enough.

16   RANDALL BUCK WOOD: I think

17   statistical analysis of turnout is meaningless. In

18   fact, the United States Supreme Court in the Indiana

19   case basically said that. They said, you know, this

20   is interesting, but it doesn't tell us anything.

21   REPRESENTATIVE BONNEN: I've done

22   this.

23   CHAIRMAN SMITH: Representative

24   (inaudible).

25   UNIDENTIFIED REPRESENTATIVE: Buck,

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1   how are you?

2   RANDALL BUCK WOOD: I'm doing fine.

3   UNIDENTIFIED REPRESENTATIVE: I want

4   to touch on two things. The one is the ballot by

5   mail, because I've served on this Committee for four

6   terms, and on one hand you have a group that says,

7   well, it's all in the ballot by mail. Then when we

8   try to do something in ballot by mail; we say, well,

9   there is no problem. You're in search of a problem

10   that doesn't exist. We don't get anything done on

11   ballot by mail.

12   RANDALL BUCK WOOD: Well, I'm not one

13   of those that tells you that.

14   UNIDENTIFIED REPRESENTATIVE: I know

15   it. But yesterday we heard testimony that ballot by

16   mail is not even an issue. And -- but -- but you

17   said something that was interesting a minute ago,

18   you said it's organized. And I want to explore what

19   you meant by the term it's organized.

20   When you were talking about ballot by mail

21   you paused for a moment and you said, "It's

22   organized", and you kind of took a step back.

23   Tell us what that means, it's organized.

24   RANDALL BUCK WOOD: Individuals in

25   many instances get paid by candidates -- this is

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1   almost always a local issue. Nobody does this to

2   affect a Governor's race or even a state Senator

3   race maybe, certainly no statewide races. It's

4   about local issues, local candidates. There's

5   people that get paid to do this. We -- we know

6   that. I've fleshed them out all over the State.

7   Some of them do it out of -- on -- as part of just

8   their politics, but many of them get paid. They

9   maintain contact with elderly people in nursing

10   homes, in their homes, and they maintain that

11   contact all the time. And if I'm running for county

12   judge - and I did one of these on a county judge

13   election contest - I go and hire these -- these

14   people that do this. And they go to the clerk's

15   office, and they find out when ballots are mailed

16   out to these elderly individuals. And they go to

17   their house. And many times they vote for them and

18   sometimes they just take the ballot. In many

19   instances, they tell them who to vote for. It's

20   totally unsupervised. It's not like a polling place

21   where you've got an election judge standing there.

22   It's totally unsupervised. It happens. In nursing

23   homes -- I've seen entire nursing homes canvassed by

24   these people. And when I say it's organized, it is.

25   And I'm talking about, you can -- you can -- a

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1   thousand votes is nothing in what these people can

2   do.

3   They should be prosecuted. It's hard to

4   do, but it should be done. But, you know -- I'm not

5   going to tell you which county, but I found a county

6   in east Texas where a nursing home -- you know, they

7   had the highest voter registration than any group in

8   the country. Everyone in the nursing home --

9   nursing home was voting. And it was -- people

10   didn't even know -- they didn't know what was going

11   on. It was pathetic.

12   But some candidates will go to that

13   length, because they think it's going to be a close

14   race. They'll do it.

15   UNIDENTIFIED REPRESENTATIVE: Buck,

16   that's -- you know, that's referred to -- we've

17   referred it -- referred to it as vote harvesting,

18   where you actually go out and sell a vote, you help

19   people with the application, you help people vote

20   the ballot, you get paid by -- by vote -- by

21   candidates.

22   RANDALL BUCK WOOD: Yes.

23   UNIDENTIFIED REPRESENTATIVE: And I

24   agree that that is a big source of voter fraud. But

25   what we've found out from the testimony yesterday is

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1   that D.A.s don't prosecute it. You know why?

2   Because if they're Republican, they get blasted by

3   the Democrats, and if they're a Democrat, they get

4   blasted by the Republicans. So the reason we

5   can't -- we can't -- at least according to the

6   testimony we heard yesterday, one of the reasons we

7   can't prosecute this voter fraud is because it's so

8   politically sensitive. These district attorneys get

9   blasted from both sides.

10   RANDALL BUCK WOOD: That's true.

11   UNIDENTIFIED REPRESENTATIVE: And so

12   what voter I.D. is seeking to do is kind of separate

13   the issue. Yes, we have an issue with mail --

14   ballot by mail, I agree.

15   On the voter -- on the photo I.D., we --

16   you could argue almost to some degree that we're

17   trying to make it easier, because I cannot keep up

18   with that voter registration card. And I bet if I

19   asked for a show of hands, it is very, very

20   difficult to keep up with that card.

21   What we're saying with this Senator bill

22   is that you don't even need the card. Just go and

23   present your official form of I.D.- I think there's

24   about five or more - and you're going to vote. No

25   keeping one card. No -- no figure out where you put

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1   it or finding it on election day. You merely go and

2   present that card.

3   Now, if we could help people -- this

4   percentage of people who don't have access to a

5   card, what if we could help them through mobile

6   evidents or through -- through free cards? What if

7   we could help identify people who may be at risk for

8   not having this photo I.D.? If we could help them

9   get that, would that allay your fears about this

10   particular requirement?

11   RANDALL BUCK WOOD: What I'm

12   concerned about -- and I'm not speaking to you. I'm

13   speaking to -- about registrars, election officials

14   in county by county. The Senate bill actually

15   provides some money for these people to get out

16   there and tell people about this.

17   The way that language is going to be used

18   is critical. And it will -- if it's not

19   extremely -- it's not -- shall be very, very

20   carefully drafted, it will scare people away from

21   the polls. I mean, it just does.

22   I don't have a driver's license. Well,

23   telling me that somehow or the other -- you know,

24   I -- I hear this probably -- I find out about

25   this -- I hear on the radio, maybe I get an

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1   incomplete version of it, and I think, well, I don't

2   have a driver's license; I can't vote. It's not

3   true. You are going to be allowed to vote. We need

4   to make certain that they understand if they go to

5   the polling place they're going to be allowed to

6   vote.

7   And you can talk about how to get more

8   identification and so forth. But don't scare the

9   voter away from the polling place with a sign out in

10   front of it that says, "Here's what you've got to

11   have".

12   Now, down here at the bottom you may say

13   you may vote a provisional ballot, but right now

14   that's pretty meaningless. We need to make it

15   meaningful in such a way that if they do vote, it

16   gets counted if we can supply that information. And

17   I don't know what Georgia does about how long third

18   parties -- to contact people if they make that

19   information to them so that third parties have --

20   contact those individuals and say, "Do you have an

21   electric bill," do you have this or do you have

22   that.

23   We don't -- we don't have that ability

24   right now, because we don't know who's being turned

25   away because of identification and will not under

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1   the Senate bill the way it's written.

2   UNIDENTIFIED REPRESENTATIVE: Well,

3   and -- and I want to leave you with one comment. We

4   also heard testimony from one of the folks yesterday

5   that the former mayor of Georgia, Andrew Young of

6   Atlanta, said upon reflection that perhaps this is

7   not necessarily a bad idea, because as we help

8   people get photo I.D.s we help them enter the

9   mainstream, and we help them become more prosperous,

10   and we help them grow as individuals. So -- so

11   maybe there -- maybe there is room in this bill

12   where -- with -- where we help everyone, addressing

13   your concern about people who maybe have access

14   issues about getting a photo I.D., but at the same

15   time understanding that as we help people get a

16   photo I.D. we actually help them proactively become

17   more successful in -- in our society. And I

18   think --

19   RANDALL BUCK WOOD: I have no

20   objection whatsoever over a period of time trying to

21   make sure that people have photo I.D.s.

22   What I am most concerned about is in

23   the -- in the meantime -- let's take the next

24   election, 2010 or the Presidential elections in

25   2012. We are not going to have those people --

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1   everybody have a photo I.D. during that period of

2   time. It's just too quick.

3   I have no objection to encouraging people

4   to get a photo I.D. In fact, if the Feds have their

5   way about it, by 2016 everybody that's got a Social

6   Security is going to have a photo I.D.

7   UNIDENTIFIED REPRESENTATIVE: I think

8   everyone on this Committee is really sensitive about

9   the photo I.D and helping people get it and giving

10   access issues. And we've kicked around some ideas

11   about maybe allowing for two-year implementation

12   where you have two full years to help people get an

13   I.D. It's just one of the concepts; not necessarily

14   that it would be adopted, but I just want to let you

15   know the Committee is sensitive. Everyone on this

16   Committee is trying to figure out a way -- you know,

17   a solution that everyone can live with. And I want

18   to thank you for your testimony.

19   RANDALL BUCK WOOD: Okay. Unless

20   somebody has --

21   CHAIRMAN SMITH: Representative

22   Brown?

23   REPRESENTATIVE BROWN: Hi, Mr. Wood.

24   Could we back up to the beginning of your

25   testimony?

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1   Are you for this bill?

2   RANDALL BUCK WOOD: I wouldn't -- I

3   would support --

4   REPRESENTATIVE BROWN: You've

5   testified long --

6   RANDALL BUCK WOOD: -- as I have

7   proposed, I would support a bill. The bill as it is

8   right now, no, I do not support it as it's written

9   right now.

10   REPRESENTATIVE BROWN: Okay.

11   RANDALL BUCK WOOD: I think it can be

12   amended --

13   REPRESENTATIVE BROWN: The sheet you

14   filled out, did you say for or against?

15   RANDALL BUCK WOOD: Against.

16   REPRESENTATIVE BROWN: Against.

17   RANDALL BUCK WOOD: On 362 as it's

18   written now, against.

19   REPRESENTATIVE BROWN: Okay. Well,

20   that makes more sense to me from what you've said.

21   As I understand your testimony, you've

22   said, "I don't believe there's any voter fraud; I

23   don't believe there's any fraud in registration."

24   UNIDENTIFIED REPRESENTATIVE: No.

25   RANDALL BUCK WOOD: I didn't say

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1   that.

2   REPRESENTATIVE BROWN: Now, wait a

3   minute. You refuted everything that was presented

4   about the -- the fraud in voting or in registration,

5   saying that it was done accidentally or

6   inadvertently somebody did something, not

7   intentional and so on.

8   RANDALL BUCK WOOD: Well, we're

9   talking about -- I think --

10   REPRESENTATIVE BROWN: That's been

11   your test -- testimony so far.

12   RANDALL BUCK WOOD: I disagree with

13   that. That's not what I said.

14   I said that there are people who go to the

15   polls who believe they're entitled to vote that

16   particular precinct in a particular county, and

17   they're not really entitled to. They are really not

18   residents of that area or that precinct.

19   REPRESENTATIVE BROWN: Uh-huh. Okay.

20   RANDALL BUCK WOOD: But they

21   generally don't do that for fraudulent purposes.

22   They actually believe and they sign the affidavit --

23   they believe that they're entitled to vote in that

24   precinct.

25   When I said -- was asked if there's fraud,

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1   I said yes, there's fraud. I don't consider it to

2   be fraud for someone to mistakenly go into the wrong

3   precinct.

4   REPRESENTATIVE BROWN: And I don't

5   really consider that fraud, either.

6   So you're saying there's no intentional

7   fraud in --

8   RANDALL BUCK WOOD: In most of these

9   instances, no.

10   REPRESENTATIVE BROWN: How is that

11   different from what I just present -- well, never

12   mind.

13   Anyway --

14   UNIDENTIFIED REPRESENTATIVE:

15   Possibly clarify. I think -- are you talking about

16   in person fraud versus -- you earlier, I think, made

17   it perfectly clear that you believe there's

18   organized fraud with regard to absentee ballots.

19   RANDALL BUCK WOOD: Yes. I'm talking

20   about people that walk into the polling place and

21   want to vote.

22   REPRESENTATIVE BROWN: Uh-huh.

23   RANDALL BUCK WOOD: I seldom -- I --

24   I just -- I don't find any fraud there. I mean,

25   it's -- I've never seen anybody impersonate anyone

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 1   else. I read in an article that a deceased -- you

 2   see this, a daughter voted for her mother who was

 3   deceased. And I have no doubt that something like

 4   that occurs now and again. I just simply, after

 5   hundreds of -- I've never found out that it was

 6   true. And -- and I agree that there's one out

 7   there.

 8   But people present themselves at a polling

 9   place and they want to vote, and they really believe

10   they're entitled to vote there.

11   REPRESENTATIVE BROWN: Are you aware

12   that we heard this gentleman quoted over and over

13   yesterday in our -- in our hearings that works for

14   the D.A. in Harris County, and he -- and he said

15   that it was virtually impossible to prosecute

16   without a confession in voter fraud? The person

17   comes in, votes and leaves and disappears, and it's

18   virtually impossible to prosecute. So we had

19   example after example of how hard it is to track

20   voter fraud down. I mean, it's just almost

21   impossible. And then you add to that the reluctance

22   of D.A.s to -- you know, to not -- to take their

23   time and efforts away from prosecuting murder,

24   rape -- you know, all the violent crimes. And so

25   it's easier to understand.

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1   But one question for you. Don't you think

2   it's a little naive of us -- well, just think about

3   the last election and all the -- the revelations

4   there were about what ACORN was doing with going --

5   registering so many people that were not eligible to

6   vote. Don't you think that it's a little naive of

7   us to think that all of this fraud is going in

8   registration and yet these people are not reaching

9   the polls? I -- I -- do you think --

10   RANDALL BUCK WOOD: That's been my

11   experience. It's been my experience that they don't

12   go vote. And I think it was the experience -- they

13   do not go vote.

14   Voter registration drive, when you pay

15   people by the -- as ACORN was doing, when you pay

16   them by their name, you're just inviting people to

17   put a bunch of people on the rolls that -- that

18   either -- maybe they were eligible, but they really

19   didn't register. And I have not -- I've found

20   people on voter registration rolls that were clearly

21   ineligible to vote.

22   I have never found one that went and

23   voted. I'm saying that someone might lead them to

24   believe that they're eligible to vote and they may

25   go vote. But people who know they're ineligible,

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 1        they just don't vote.  They -- you know, you're --

 2        you -- you're talking about something that I've been

 3        doing almost 40 years.

 4                      CHAIRMAN SMITH:  Okay.  Members of

 5        the audience --

 6                      REPRESENTATIVE BROWN:  Thank you.

 7                      CHAIRMAN SMITH:  -- I think this

 8        could go on all night long.  I just want to make it

 9        perfectly clear, I don't -- didn't mind -- you can

10        make whatever grimace with your face you wish to

11        make.  Make whatever facial expression you wish to

12        make in reaction to the testimony, but please do not

13        make any noise in response to the testimony.  I

14        think it's rude and it's offensive.  And -- and we

15        need to be respectful of -- of --

16                      UNIDENTIFIED REPRESENTATIVE:

17        (Inaudible).

18                      CHAIRMAN SMITH:  -- every witness,

19        whatever their opinion is, treat everybody the same,

20        give them the opportunity to speak, regardless of

21        whether they represent the majority of views in the

22        audience.

23                  Representative -- Vice Chairman Pena.

24                      VICE CHAIR PENA:  Good afternoon,

25        Mr. Wood.
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1   RANDALL BUCK WOOD: Yes.

2   VICE CHAIR PENA: How are you?

3   I've seen your name around the courthouse.

4   I've heard your name around the courthouse in south

5   Texas. You've tried cases in the Valley.

6   RANDALL BUCK WOOD: Yeah. I've tried

7   cases -- I never tried one in Del Rio, but I've

8   tried them in every border county from Cameron to

9   Laredo.

10   VICE CHAIR PENA: And typically these

11   are losing candidates who hire you trying to look

12   for some sort of voter fraud, some way to overturn

13   the election. Is that correct?

14   RANDALL BUCK WOOD: I sometimes get

15   hired on the winning side, but most of mine actually

16   comes from the losing side, that's correct.

17   VICE CHAIR PENA: But nevertheless,

18   there's some sort of incentive for you to find fraud

19   if it's there or if it's not?

20   RANDALL BUCK WOOD: Certainly,

21   because in -- in many of these elections there are

22   ten or 15-vote difference.

23   VICE CHAIR PENA: Right.

24   RANDALL BUCK WOOD: So we look. And

25   amazingly enough -- I think you know this, and it's

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 1        true.  I grew up over in east Texas.  People know

 2        people.

 3                     VICE CHAIR PENA:  Right.

 4                     RANDALL BUCK WOOD:  And every --

 5        you've got somebody in everybody's camp in each of

 6        little community, each little segment of the

 7        community who's supporting your candidate.  And they

 8        know whether these people are eligible to vote or

 9        not and have questions about it.  And I get a lot of

10        leads.

11                     VICE CHAIR PENA:  Right.

12                     RANDALL BUCK WOOD:  And I investigate

13        them.  I'm telling you I don't find any.

14                     VICE CHAIR PENA:  And the description

15        of -- you made of the mail-in ballot problem, that's

16        real, is it not?

17                     RANDALL BUCK WOOD:  It is.

18                     VICE CHAIR PENA:  Okay.

19                     RANDALL BUCK WOOD:  I think it's

20        better now than it was seven or eight years ago.

21                     VICE CHAIR PENA:  Right.  After

22        Woolens (phonetic)) I noticed that it decreased --

23        mail-in ballots, at least in my county, decreased.

24        And I take that as a response to the -- to the bill

25        that Representative Woolens passed.  Is that your --
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1   RANDALL BUCK WOOD: It helped.

2   VICE CHAIR PENA: It did help.

3   But that -- that is offensive. And many

4   of the people here are from my community, and I'm

5   sure we're going to hear things about that. But --

6   but in the Valley with all of the allegations of

7   corruption and voter -- voter fraud, have you ever

8   found a voter impersonation product?

9   RANDALL BUCK WOOD: No. And I have

10   had people come and tell me, "I want to look at all

11   these signatures on this list. It looks like one

12   person signed all these names."

13   Well, of course, if I've got a ten-vote

14   election and there's 20 signatures out there that

15   look strange, we're going to talk to all 20 of these

16   people. And we do. And I have never found an

17   impersonation.

18   VICE CHAIR PENA: And I'm sure in --

19   living in my community where there are Mexicans

20   living with -- Mexican Americans living with Anglo

21   Americans there's always allegations that Mexicans

22   are voting. Do you hear that?

23   RANDALL BUCK WOOD: Mexicans are

24   voting? Mexican citizens?

25   VICE CHAIR PENA: Mexican citizens.

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1   RANDALL BUCK WOOD: I've never found

2   one. I'm not saying that it doesn't happen. I'm

3   just saying I've never found one.

4   VICE CHAIR PENA: You've never found

5   one.

6   RANDALL BUCK WOOD: And I can assure

7   you in many election contest -- I've tried them in

8   Cameron County, I've tried them in Hidalgo County,

9   Starr -- you just go right up the border. Even in

10   (inaudible) Brooks, Crystal -- Zavala, Zapata. I

11   have never found anyone impersonating anyone, and

12   I've never found a non-citizen that actually voted.

13   VICE CHAIR PENA: Okay.

14   RANDALL BUCK WOOD: I've found

15   them -- they were registered. But I've not found

16   those people that were voting.

17   VICE CHAIR PENA: So although you

18   recognize, as I do, that the reality that there is

19   dirty politics or voter fraud on occasion, when it

20   comes to voter impersonation, you've not seen that

21   as (inaudible)?

22   RANDALL BUCK WOOD: And it's

23   something that -- that I've looked for. And I

24   didn't even realize that this impersonation issue

25   until recently was a big issue, because it -- it's

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1   just -- it's just -- it just doesn't happen.

2   VICE CHAIR PENA: Okay. And --

3   RANDALL BUCK WOOD: I realize that

4   somebody like that woman that went in and voted for

5   her mother, I'm sure that happens here and there.

6   But you're probably talking about a handful

7   statewide.

8   VICE CHAIR PENA: Okay. And, again,

9   with regards to Senate Bill 362, do you see anything

10   addressing voter impersonation?

11   RANDALL BUCK WOOD: Well, I

12   understand that it's supposed to do something about

13   it, but I -- I think the way it goes about it is

14   wrong.

15   VICE CHAIR PENA: And how is that?

16   RANDALL BUCK WOOD: Because the

17   educational effort in order to try to get people to

18   have cards -- and I agree with Representative Bohac,

19   I think it's a good idea if everybody had a card. I

20   kind of like the idea of having to have papers like

21   they do in Europe. You know, they've got to carry

22   around a card. But -- for voting and other

23   purposes, it's helpful. And I would like to see

24   everybody that has a Social to have a card.

25   I'm concerned, very concerned, that the

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1   way Senate Bill 362 is presently written, in its

2   educational efforts, the education is actually going

3   to leave people with the impression that if they

4   don't have this identification they're not going to

5   be allowed to vote. And that's -- that is -- that's

6   much more damaging.

7   Let's get them into the polling place,

8   find out who they are, and find out if they are, in

9   fact, voting and they're not -- they're not legal or

10   they -- maybe there's an impersonation out there

11   every once in a while.

12   VICE CHAIR PENA: Okay.

13   RANDALL BUCK WOOD: Let's get them in

14   the polling place, let them vote, count their vote

15   if they're legal.

16   VICE CHAIR PENA: I think I misspoke

17   in my question.

18   What I meant was with regards to the

19   mail-in ballot problem and all the other dirty

20   politics that you see, does Senate Bill 362 address

21   that?

22   RANDALL BUCK WOOD: No, it does not.

23   VICE CHAIR PENA: Thank you very

24   much.

25   CHAIRMAN SMITH: It may be a relief

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1   to the audience to -- to be told that the Members

2   are far less inquisitive once the cameras leave.

3   Representative Heflin.

4   REPRESENTATIVE HEFLIN: Just to clear

5   a couple of points. Let me say the point I was

6   trying to make on the provisional ballots is if we

7   go five days as opposed to two, you nearly double

8   the amount of people that clear up their -- their --

9   their ballots or count. So that was a question I

10   had.

11   Now, you say that -- why -- why is voter

12   fraud more prevalent in mail-in ballots? Is it

13   because it's easier to do?

14   RANDALL BUCK WOOD: It's

15   unsupervised.

16   REPRESENTATIVE HEFLIN: And what --

17   and what --

18   RANDALL BUCK WOOD: And it allows

19   people to --

20   REPRESENTATIVE HEFLIN: Impersonate

21   50 people to be effective.

22   RANDALL BUCK WOOD: They don't

23   impersonate people. These people actually exist.

24   They go and actually -- I remember one time in

25   Beeville -- I had a contest in Bee County. And I

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1   had where the ballots -- they were following the

2   mailman around. And when he would go to the

3   mailbox, they would go take the ballot out of the

4   mailbox and vote.

5   REPRESENTATIVE HEFLIN: Let me -- let

6   me ask you this last question then. In Texas was

7   there an organized effort by ACORN to operate here

8   in Texas, or was that strictly in other states?

9   RANDALL BUCK WOOD: It certainly

10   wasn't in Texas.

11   REPRESENTATIVE HEFLIN: It wasn't?

12   RANDALL BUCK WOOD: Yeah. And we --

13   not to ever have voter registration being done on a

14   piecemeal basis.

15   In other words, paying by the name, I

16   don't care whether it's ACORN or who it is, it

17   done -- you'll get -- you'll get fraud in there.

18   REPRESENTATIVE HEFLIN: Thank you

19   very much.

20   RANDALL BUCK WOOD: Okay.

21   REPRESENTATIVE HEFLIN: We appreciate

22   your testimony.

23   CHAIRMAN SMITH: Representative

24   Bohac?

25   REPRESENTATIVE BOHAC: I want to come

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1   back to just a couple of things.

2   I have heard oftentimes that there would

3   be in the poll book where you would have one person

4   and you would see kind of a repeating signature.

5   Now, you've prosecuted or defended, or whichever

6   side of the aisle, a number of these lawsuits. Have

7   you ever seen a poll book which appeared to be a

8   person who signed -- there was one person who signed

9   multiple times as if they were different people?

10   RANDALL BUCK WOOD: Yes, I have seen

11   that.

12   REPRESENTATIVE BOHAC: That's voter

13   impersonation.

14   RANDALL BUCK WOOD: No, it isn't.

15   The person actually went and voted. I went and took

16   that poll list and it looked -- the problem to me is

17   that probably somebody signed in a number of people.

18   So I went to those people. And it turns

19   out -- you know what it was? Somebody thought they

20   were being helpful in the polling place and one of

21   the election officials wrote those names or those

22   signatures in. I -- I've never seen it done

23   otherwise.

24   REPRESENTATIVE BOHAC: (Inaudible).

25   RANDALL BUCK WOOD: I -- I -- listen,

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1   that's one of the things -- you show me a poll

2   that's like that, I get really excited. But I know

3   if I call that person in and put them on the stand,

4   I've got to go do some investigation or have

5   somebody go do investigation. And when you go out

6   and check it, I've never found it.

7   REPRESENTATIVE BOHAC: So it's your

8   testimony that the voting clerk was being helpful to

9   the person by signing their name in the poll book?

10   RANDALL BUCK WOOD: In that

11   particular instance, that's exactly what they were

12   doing.

13   I don't know -- we don't have -- one of

14   the things -- this is -- I know this is not you

15   all's issue. But we're having fewer and fewer

16   people that are willing to work in polling places.

17   It used to be that you were having the same people

18   working every time. I used to be election judge. I

19   haven't done it in a number of years. Especially in

20   urban areas you can't find anybody to do it. We've

21   got people that are going to be telling people

22   things that have never worked in a polling place

23   before. And that person that did that, I don't know

24   why they did it. I didn't try to get them

25   prosecuted, but they shouldn't have been doing it.

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1   But they did it. But when we went and interviewed

2   those people, they were absolutely convincing. They

3   would have convinced a jury, judge or anybody else,

4   I went down and I voted and this is my mother; she

5   went with me.

6   I mean, it just -- we have uneducated

7   people in our polling places to -- in lots and lots

8   of places.

9   REPRESENTATIVE BOHAC: Well, I'll

10   accept your explanation.

11   I'm going to pivot for just a moment on

12   the education front. You saw how quickly the

13   Chairman laid out the bill. He said on one hand you

14   can show a photo I.D. On the other hand, if you

15   don't have this, you have to show two forms of

16   non-photo I.D. And you're saying that that --

17   educating the public about those requirements would

18   be almost insurmountable?

19   RANDALL BUCK WOOD: No. I think if

20   you start out with your voter education and you

21   don't let people tell people that they've got to

22   have that, I mean, that is a real problem. I know

23   what's going to happen. There is going to be

24   television heads in major markets that says you've

25   got to be able to have this information in order to

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1   be able to vote. There -- it's going to be there.

2   And we're going to have a registrar, believe me,

3   that are going to get -- put information out like

4   that.

5   We -- we need to circumscribe that as best

6   we can so that the person knows if they go to the

7   polling place they're going to be able to vote.

8   Now, if they're not qualified, their vote's not

9   going to count. But they're going to be able to

10   vote.

11   And by the way, I know that it was

12   mentioned about the fact -- fact about carrying a

13   voter registration card around with them. I carry

14   mine 100 percent of the time. Most people don't.

15   Well, they also don't carry electric bills; they

16   don't carry hardly any of that information that's

17   there. They just don't have it. If they don't have

18   a driver's license, generally they have maybe a

19   Social Security card or something, but they don't

20   have the information. I want it clear if those

21   persons are really qualified to vote, they get to

22   vote. And if they get to vote, they get -- their

23   vote is counted.

24   UNIDENTIFIED REPRESENTATIVE:

25   (Inaudible).

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1   UNIDENTIFIED REPRESENTATIVE: I want

2   to -- I'm not going to ask you anymore questions,

3   Buck. But you are really an important witness. We

4   rarely get someone like you who knows the inside of

5   the watch like you know it. And you know the

6   solution to the ballot-by-mail problem, because

7   you've seen it and you've lived it for decades.

8   What's the one, two and three things this

9   Committee needs to do? And please be specific. You

10   know the answer to the question, Buck. What do we

11   need to do to correct the ballot-by-mail fraud?

12   RANDALL BUCK WOOD: The only way I

13   know how to correct it is to go back to our system

14   of having to have a -- a legitimate excuse and not

15   just anybody over the age of 65 being able to vote

16   by mail, because that's where the problem is. And

17   we used to not have this problem.

18   Now, that puts a burden on those --

19   however many people in order to get a note from

20   their doctor or something of that nature, but that's

21   the only way I know how to do it.

22   REPRESENTATIVE BOHAC: That's the

23   first solution.

24   What's the second solution? I don't think

25   we're going to do that.

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1   RANDALL BUCK WOOD: No, I don't think

2   so, either.

3   REPRESENTATIVE BOHAC: I don't think

4   we want to do that. I think there's other solutions

5   that you know of, that you're aware of. What can we

6   do to get rid of this vote buying and this vote

7   harvesting?

8   RANDALL BUCK WOOD: Short of that, I

9   don't know anything, because you're going to mail a

10   ballot out.

11   One of the things you could do -- now, I'm

12   not suggesting that this be done. You could not

13   publish the -- a list of the people who have been --

14   mail ballots have been mailed to, because they go

15   down to the clerk's offices, and they know every day

16   how many ballots have been mailed out and to whom.

17   And then they follow them up.

18   I'm not -- I don't know that it would stop

19   it, but right now it's a very useful tool for them

20   to be able to get that information immediately.

21   They get it on a daily basis, how many people --

22   now, (inaudible) have -- candidates have a

23   legitimate reason for wanting to know that, because

24   they want to write these people and say, "I want

25   your vote."

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1   UNIDENTIFIED REPRESENTATIVE: I --

2   I -- I think -- I think we corrected that. The

3   information on who -- who -- we used to allow people

4   to get a list of people -- people who submitted an

5   application to vote by mail. We now only allow it

6   48 hours after the ballot's already been turned to

7   the Voter Registrar's office. So -- so that gap is

8   gone.

9   RANDALL BUCK WOOD: I'm afraid

10   it's -- that's not being uniformly enforced.

11   REPRESENTATIVE BOHAC: It's the law.

12   RANDALL BUCK WOOD: I -- I know that.

13   I understand that. But I'm telling you that they

14   have somebody in the clerk's office who tells

15   somebody who they -- they know. I -- I just --

16   REPRESENTATIVE BOHAC: Thank you for

17   your testimony. I don't have any more questions.

18   Thank you.

19   RANDALL BUCK WOOD: You're welcome.

20   CHAIRMAN SMITH: All right.

21   Mr. Wood, in closing and in summary, I think the

22   primary point that you brought before this Committee

23   was your desire to see that to the extent that we

24   have a changed or altered identification requirement

25   and, therefore, have a provisional ballot, that we

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1   structure those ballots in such a way that those

2   people who are within a reasonable period of time

3   following that, clearly identified as being a legal

4   voter, have their votes counted.

5   Is that your primary concern?

6   RANDALL BUCK WOOD: And that

7   information needs to be made available to everyone

8   immediately so that they can be helped.

9   CHAIRMAN SMITH: Okay. That's

10   what -- and so, in turn, I'm asking you to say --

11   you believe Florida is the best way to do it, but

12   certainly between Indiana and Georgia and Florida, I

13   don't -- I assume your preferred choice would be

14   Florida in terms of how they handle provisional

15   ballots. Is that correct?

16   RANDALL BUCK WOOD: They handle it --

17   they handle it more like what I'm suggesting. But

18   one of the things that they -- I don't think they do

19   is they don't keep statistics on which ballots are

20   which. And that doesn't do you any good, because

21   you never know how many people were turned -- were

22   voting provisionally for one reason or voting

23   provisionally for another reason.

24   CHAIRMAN SMITH: Yeah. Well, we did

25   get testimony yesterday from a person, so I do

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 1        believe there is some -- I don't -- I don't know
 2        that we got into how they distinguished it, but he
 3        was able to tell us the number of ballots statewide
 4        that were cast on a provisional basis, the total
 5        amount that were cast --
 6                    VICE CHAIR PENA:  Mr. Chairman, that
 7        was State of Georgia.
 8                    CHAIRMAN SMITH:  Georgia and Florida.
 9                    VICE CHAIR PENA:  And the gentleman
10        from Florida said there was 14,000 or 15,000
11        provisional ballots, and 1100 of them were
12        provisionally cast due to not having an I.D.
13                    RANDALL BUCK WOOD:  Then they have --
14        then they have something similar to what we need --
15                    VICE CHAIR PENA:  What?
16                    RANDALL BUCK WOOD:  -- and what that
17        is so we can identify those --
18                    VICE CHAIR PENA:  (Inaudible).
19                    CHAIRMAN SMITH:  I just wanted it to
20        be clear for the record.
21                    RANDALL BUCK WOOD:  Okay.  I was not
22        aware that they -- that they had that ability.
23        It -- it --
24                    UNIDENTIFIED REPRESENTATIVE:
25        Mr. Chairman --
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 1   CHAIRMAN SMITH: In Florida, there

 2   were 8.3 million votes cast, and 394 were not

 3   counted because of the photo I.D. requirement

 4   statewide. That's what he found. And -- and -- and

 5   so -- but what I -- I think I hear you saying is

 6   what you would like is to even go beyond the Florida

 7   law and sort of provide this information to

 8   interested parties publicly so that they would have

 9   the opportunity to actually assist the person in

10   providing the appropriate identification wherever it

11   would need to be provided to comply with the law?

12   RANDALL BUCK WOOD: And I just --

13   this -- you're -- yes. Yes. The answer to that

14   question is yes.

15   I just touched on the fact --

16   CHAIRMAN SMITH: (Inaudible).

17   RANDALL BUCK WOOD: -- that no matter

18   what we tell the election official to do at the

19   polling place, it doesn't get done. People don't

20   know. They really don't. And some of them can't

21   hear. And so they need to have -- there needs to be

22   a way that we try to help those people, because the

23   people we're talking about - and we all know

24   this - we're talking about elderly, infirmed,

25   uneducated or not much education. So those

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1   socioeconomic minorities, that's what we're talking

2   about, people who don't even own a car. So we

3   don't -- this I.D. -- that I'm going to tell you at

4   the polling place that you need to go do this within

5   a certain numbers of days, they don't -- it's lucky

6   they even got to the polling place. So --

7   CHAIRMAN SMITH: Tell me, do -- do

8   we -- I mean, do we create problems if we post on

9   the courthouse steps on election day the names of

10   the people in the county who cast a ballot because

11   they did not provide identification, from a privacy

12   standpoint? From a standpoint of having people go

13   to their house and aggressively and in ways that

14   nobody would wish on these people attempt to assist

15   them with making sure that their vote counted?

16   RANDALL BUCK WOOD: I -- I can't

17   imagine a person who bothered to go to the polling

18   place to vote not wanting their vote to count. And,

19   yes, I am sure there will be instances where they

20   will say, "I -- I don't care anymore. I don't want

21   anybody talking to me anymore." I think that's a --

22   a minor concern.

23   CHAIRMAN SMITH: So you don't -- you

24   don't see there being a privacy concern or any

25   question at all?

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1   RANDALL BUCK WOOD: When it comes to

2   voting, you sign your name and you go in there to

3   vote, that's public information.

4   Now, one thing that's not happening,

5   though, is voter officials in local counties are not

6   making that information available. They're supposed

7   to, but they don't make it available. I want it put

8   in the bill that the day after the election that you

9   can get that information so that whatever number of

10   days you set, something can be legitimately done.

11   CHAIRMAN SMITH: I thank you. I

12   think all of the members of the Committee find your

13   testimony to be interesting and knowledgeable and

14   provided with a great deal of integrity. So we

15   appreciate it.

16   REPRESENTATIVE VEASEY: One question.

17   CHAIRMAN SMITH: Yes, sir,

18   Representative Veasey.

19   REPRESENTATIVE VEASEY:

20   Representative Veasey from Fort Worth. Wanted to

21   ask you just one question related to voter

22   impersonation in the polls.

23   Based on your experience in investigating,

24   you know, different voting improprieties

25   particularly as it relates to third parties

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1   registering people to vote, do you think that if

2   someone were to commit voter impersonation that they

3   would do so with a fictitious name that is widely

4   known to others?

5   I know like in the ACORN case, for

6   instance, you heard examples of football players

7   and -- and, you know, people writing in Mickey Mouse

8   and things like that.

9   Do you think that voter impersonation

10   would occur if a third-party group were to sign

11   people up under the names of Mickey Mouse and Troy

12   Aikman? Because I don't think I could commit voter

13   impersonation under the name Troy Aikman. Maybe

14   Todd could, but I don't think I can. So...

15   RANDALL BUCK WOOD: I don't -- I

16   don't see that as a problem. The ACORN issue was a

17   problem because they put a lot of people on the

18   rolls that -- that were not registered.

19   REPRESENTATIVE VEASEY: Right.

20   RANDALL BUCK WOOD: Okay? I --

21   I'm -- I'm no expert on what actually happened, but

22   I doubt seriously that many of these people -- they

23   didn't even know they were registered. And they

24   used names -- they just made up names in order to

25   get paid --

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1   REPRESENTATIVE VEASEY: And that's

2   the problem with people --

3   RANDALL BUCK WOOD: -- it's just --

4   REPRESENTATIVE VEASEY: --

5   (inaudible) registration basis.

6   RANDALL BUCK WOOD: (Inaudible) I've

7   seen voter registration drives pick up a few people

8   who were not eligible to vote. But when I then

9   tried to see if they voted, they didn't vote.

10   CHAIRMAN SMITH: Thank you, Mr. Wood.

11   Appreciate you very much.

12   At this time the Chair calls Robin

13   Armstrong to testify in favor of Senate Bill 362.

14   Please state your name.

15   ROBIN ARMSTRONG: I'm Dr. Robin

16   Armstrong. And I'm testifying in favor of Senate

17   Bill 362, requiring a voter to present proof of

18   identification before voting.

19   Thank you, Committee, for allowing me to

20   testify today. I appreciate that.

21   First question I ask is why is it

22   important to require a photo I.D. to vote? I think

23   to protect the integrity of our elections. There's

24   a bipartisan committee. It's called the Commission

25   On Federal Election Professionals here by former

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1   President Jimmy Carter and former Secretary of State

2   James Baker. They concluded -- and I'm going to

3   quote this. It says, "To ensure that persons

4   presenting themselves at the polling place are the

5   ones on the registration list, the Commission

6   represents that states use the real I.D. card. The

7   card includes a person's full legal name, date of

8   birth, signature, a photograph and a person's Social

9   Security number."

10   Now, these requirements that the

11   bipartisan commission came up with are actually more

12   stringent than what is being asked in Senate Bill

13   362.

14   Another reason for requiring a photo I.D.

15   to vote is just the closeness of our elections.

16   These elections are getting closer and closer in the

17   State of Texas and nationwide. So I think the

18   margin for error's less. I think that we need to

19   make sure that we have mechanisms in place to

20   prevent voter fraud.

21   We also must instill confidence in our

22   electoral process. 70 percent of Texans, in a poll

23   done by the University of Texas, support photo I.D.

24   to vote. And so I think it will instill some more

25   confidence in our -- in our voting public.

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1   There's a Rasmussen poll that reported

2   that 77 percent of likely voters across the country

3   believe that displaying a photo I.D. -- believe that

4   displaying a photo I.D. should be required to cast a

5   vote. And so this is a bipartisan issue amongst

6   Republicans and Democrats.

7   Problem with the current Texas law is

8   anyone can use someone else's voter certification

9   card. Voter's certificate cards -- certificate

10   cards can be stolen or lost. There's no proof of

11   citizenship required.

12   Now, there are actually incidences that

13   would support the need -- be prevented if there was

14   a photo I.D. to vote. In 2008 general election

15   there were 62,548 duplicate records, and so those

16   were names showing up multiple times on the rolls as

17   having voted. Now, whether actually voter fraud

18   took place or not, that's a -- you know, a lot more

19   duplicate names than should be there. Obviously,

20   hard to say that for sure. Like you said earlier,

21   it's hard to prove that.

22   In Bexar -- in Bexar County, in 2004

23   primary election there were 41 deceased voters who

24   applied for application by mail.

25   There are also some concerns, obviously,

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1   about voter suppression in minority, poor or elderly

2   precincts. I actually have a study here that was

3   done in Indiana, and it was done by the Institute of

4   Public Policy at the Harry S. Truman School of

5   Public Affairs in Missouri. And it showed that

6   actual -- it compared voter turnout before and after

7   the vote. And afterwards it showed that actually

8   the -- the -- the voting in minority precincts and

9   those areas actually increased by 2 percent. And so

10   photo I.D. did not suppress voter turnout in those

11   instances.

12   Thank you.

13   CHAIRMAN SMITH: All right. I --

14   I -- I just -- you mentioned the Carter Baker

15   Commission --

16   ROBIN ARMSTRONG: Yes, sir.

17   CHAIRMAN SMITH: -- and you mentioned

18   that -- that they had some more stringent

19   requirements in terms of what they were requesting

20   states to do than perhaps is in the Senate bill.

21   ROBIN ARMSTRONG: Correct.

22   CHAIRMAN SMITH: And I just want to

23   indicate for the record that this report was issued

24   in September of 2005. And just for purposes -- I

25   assume that the members of the audience are familiar

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1   with this report. You'll probably hear some more

2   discussion of it during the meeting. It's a

3   commission of experts that was appointed to look at

4   the issue of our election process in general after

5   the very interesting Presidential election that we

6   had in 2000. It was headed by Republican former

7   Secretary of State James Baker on the one hand and

8   former President Jimmy Carter on the other. And

9   they issued a very lengthy report, which I think all

10   the Members of the Committee have looked at to some

11   extent. And they do recommend a photo

12   identification in conjunction with a real I.D. card,

13   which simply has not taken off for a variety of

14   reasons, including some degree of opposition, I

15   understand, from both the right and -- and from the

16   left. And they do recommend a -- a five-year

17   transition period in this report. So they recommend

18   that until -- and it was issued in 2005; that until

19   January 1st, 2010, the State should require voters

20   to present I.D. at the polls, but voters who fail to

21   do so should nonetheless be allowed to cast a

22   provisional ballot, and their ballot would count if

23   their signature was verified. After January 1st,

24   2010, their recommendation is voters without a valid

25   photo I.D. could cast a provisional, but they would

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1   have to return personally to the appropriate

2   election office within 48 hours with a valid photo

3   I.D. for their vote to be counted after that

4   five-year transition period.

5   But I think it's important for everybody

6   in the audience to understand and -- and -- and I'll

7   ask you if you -- if you will and if you do, to

8   agree with me that -- that there really were two

9   sides of the recommendation of that commission. One

10   was that we enhance the security at our polls and --

11   and the other was that we simultaneously expand

12   access to the polls by states taking affirmative and

13   aggressive steps to register additional voters.

14   Do you recall that -- that collateral

15   recommendation of that bipartisan commission?

16   ROBIN ARMSTRONG: No, I do not.

17   CHAIRMAN SMITH: Okay. Well --

18   ROBIN ARMSTRONG: I'm not disagreeing

19   with you.

20   CHAIRMAN SMITH: I understand.

21   And I'll just represent to you, without

22   getting into it, that -- and I'll read just a -- one

23   sentence from their letter, which summarizes their

24   findings. "We're recommending a photo I.D. system

25   for voters designed to increase registration with a

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 1        more affirmative and aggressive role for states in

 2        finding new voters and providing free I.D.s for

 3        those without driver's licenses".

 4                 And I'll just represent to you that I've

 5        looked at quite bit of information on this subject,

 6        and it's the only area where I have found anybody

 7        that's been able to find any degree of bipartisan

 8        consensus on this issue.  Simply pointing out that

 9        there is no need to choose between enhanced security

10        on the one hand and increased -- and enhanced access

11        on the other; you can have both.  And, in fact,

12        this -- this commission is -- is recommending both.

13                 Any -- any other questions, Members of the

14        Committee?

15                 All right.  I don't think we have any.

16        Thank you very much for your time.

17                        ROBIN ARMSTRONG:  Excuse me.

18                        CHAIRMAN SMITH:  Excuse me.  Rep --

19        Representative.

20                        REPRESENTATIVE BROWN:  Thank you,

21        Dr. Armstrong.

22                        ROBIN ARMSTRONG:  Thank you.

23                        REPRESENTATIVE BROWN:  Appreciate

24        your comments.

25                 You -- you meet with a lot of candidates
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1   involved in a lot of elections and so on. What is

2   your -- your idea of fraud among us? Is it there,

3   or are we chasing after something that doesn't

4   exist?

5   ROBIN ARMSTRONG: Well, I -- I

6   believe there's voter fraud amongst us. You know, I

7   believe that sometimes it's -- it's difficult to

8   determine whether it's voter fraud or voter

9   ignorance. But I think the result is the same. And

10   I think that we probably should -- we -- we should

11   have legislation to make sure that -- that we can

12   make sure that that doesn't happen, you know,

13   especially as these elections become closer and

14   closer. I believe, you know, our -- our system --

15   our election system is going to be under more

16   pressure to make sure that we have mechanisms in

17   place so that we can root out any types of fraud

18   or -- or ignorance or people making mistakes and

19   voting incorrectly. So I think it's important to

20   have legislation such as this.

21   So, yes, I think it does exist.

22   REPRESENTATIVE BROWN: And I assume

23   you mean by rooting out ignorance that while we're

24   pursuing the fraud that we're also trying to

25   educate --

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 1                    ROBIN ARMSTRONG:  Correct.

 2                    REPRESENTATIVE BROWN:  -- our voters

 3    as much as we can?

 4                    ROBIN ARMSTRONG:  Yes.

 5                    REPRESENTATIVE BROWN:  I agree.

 6    Thank you.

 7                    ROBIN ARMSTRONG:  Thank you.

 8                    CHAIRMAN SMITH:  Any other questions,

 9    Members?  Thank you, Mr. Armstrong, very much.

10                    ROBIN ARMSTRONG:  Thank you.

11                    CHAIRMAN SMITH:  At this time the

12    Chair calls Mary Naranjo, representing the Texas

13    Young Democrats, U.T. College Democrats of America

14    Presidents, testifying against Senate Bill 362.

15            If you don't mind, for the record please

16    state your name again and who you represent.

17                    MARY NARANJO:  Whoa.  It's Mary

18    Naranjo.  Good afternoon.

19            So there are a couple things --

20                    CHAIRMAN SMITH:  You gave your name.

21    Please tell me who you represent again.

22                    MARY NARANJO:  Sorry.  I'm the

23    President of College Democrats of America and also

24    the Vice President of Texas Young Democrats and a

25    student at the University of Texas as a senior.
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1   CHAIRMAN SMITH: Thank you.

2   MARY NARANJO: Hook 'em.

3   One of the things that I would just like

4   to start my testimony off with, which is a great

5   maxim for anyone in this room to kind of be thinking

6   about when thinking of the election system, is if it

7   ain't broke, don't fix it. And this issue isn't a

8   problem at the moment.

9   I think it's interesting that, you

10   know, while I'm working with students across the

11   U.S., whether it be in Indiana, Florida or Virginia

12   or Colorado, where we're trying to get students to

13   the polls, we're actually now trying to bring in a

14   regressive piece of legislation that is going to

15   actually disenfranchise students. And while we have

16   people up here talking about different minorities,

17   these college students are still not a protected

18   class under the Voting Rights Act. And later on in

19   the testimony, I would love to give you some great

20   examples of when I was in Florida working in the

21   2008 election.

22   But one -- one real world piece of, you

23   know, information I would like to give you is my

24   driver's license. Currently it says Lufkin, Texas,

25   where I'm originally from, my permanent address. If

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